

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
IN THE MATTER OF THE COMPLAINT

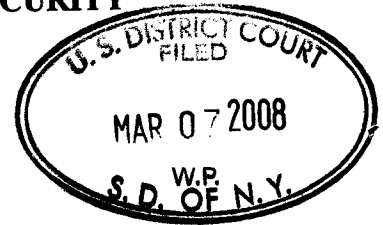
Civil Action No.: 08 CV *2042 (CCB)*

of

FRANK J. DIEBER, as owner of a 1988 20-foot
Formula SR1 vessel for Exoneration from or
Limitation of Liability.

AD INTERIM SECURITY

Petitioner.



WHEREAS, Petitioner, FRANK J. DIEBER, as owner of a 1988 20-foot Formula SR1 vessel (hereinafter the "Vessel") is instituting a proceeding in this Court for Exoneration from or Limitation of Liability pursuant to the vessel owner's Limitation of Liability Act, Title 46 U.S.C. §30501 *et seq.*, for all claims, damages and/or losses arising out of or resulting from an boating accident alleged to have occurred between the Vessel and a pontoon-type boat on or about June 29, 2007, on the navigable waters of Greenwood Lake, Orange County, New York, as described in the Complaint, and

WHEREAS, Petitioner wishes to provide this *Ad Interim* Security in the amount of the post-casualty value of the Vessel as security for any and all claims arising from this incident.

WHEREAS, the value of Petitioner's interest in the Vessel described above post-casualty, has been fixed at \$7,500 as appears in **Exhibit A** to the Complaint filed herein, and

WHEREAS, Petitioner wishes to deposit a certified check in the amount of \$7,500 made payable to the Clerk of Court-SDNY and to be held pending this action by his attorneys Rubin, Fiorealla & Friedman LLP, as *Ad Interim* Security for any and all claims arising from the accident, or if So Ordered, to be deposited into Court, and

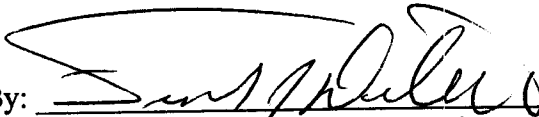
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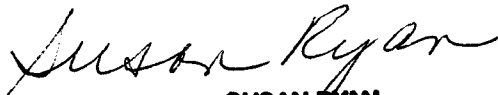
NOW, THEREFORE, in consideration of the premises, Petitioner shall deposit with his ~~attorneys Rubin, Fiorella & Friedman LLP~~ *the Clerk of this Court's proceeds* to be held pending this action a certified check in the amount of \$7,500 made payable to Clerk of Court-SDNY, the Vessel's value having been determined to be SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500). If the adequacy of the limitation fund is contested by motion, then within thirty (30) days after entry of an Order confirming the report of an independent marine surveyor appointed by the Court to appraise the value of the Vessel, the limitation fund shall be increased or decreased to the independent marine surveyor's value, and Petitioner will file in this proceeding a revised *Ad Interim* Security conforming to such appraised value;

Dated: *White Plains, NY*
February 29, 2008
March 6, 2008

By: 
Frank J. Dieber - Petitioner
As owner of a 1988 20-foot
Formula SR1 vessel

On this 29th day of February 2008, before me personally came Frank J. Dieber, being by me duly sworn, did depose and say that he is the owner of the 1988 20-foot Formula SR1 vessel and that the document attached hereto is a certified check in the amount of \$7,500 made payable to Clerk of Court-SDNY.

Sworn to before me this
29th day of February 2008



SUSAN RYAN
Notary Public, State of New York
No. 43-4812244
Qualified in Richmond County
Commission Expires November 9, 20 09

SO ORDERED:


U.S.D.J.

March 6, 2008
White Plains, NY

544106 (100/pkg Rev 03)

WACHOVIA

0800927

OFFICIAL CHECK

AN INDEMNITY AND/OR SURETY BOND MAY BE REQUIRED PRIOR TO REPLACEMENT OR REFUND OF THIS CHECK IF LOST OR DESTROYED

20-07
1020

02/29/2008

426471685

Pay To The Order Of ****CLERK OF COURT SDNY****

***SEVEN THOUSAND FIVE HUNDRED DOLLARS AND 00 CENTS**

****FRANK DIEBER****

Remitter: **WACHOVIA**

Drawn by: **Integrated Payment Systems Inc, Englewood, Colorado**

DRAWER: Wachovia Bank, National Association

Authorized Signature *Frank Dieber*

Dollars \$7,500.00

MP

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